

## 2007 DRAFTING REQUEST

### Bill

Received: 01/09/2007

Received By: gmalaise

Wanted: As time permits

Identical to LRB:

For: Robin Vos (608) 266-9171

By/Representing: Himself

This file may be shown to any legislator: NO

Drafter: gmalaise

May Contact:

Addl. Drafters:

Subject: Criminal Law - crimes agnst kids  
Health - public health

Extra Copies:

Submit via email: YES

Requester's email: Rep.Vos@legis.wisconsin.gov

Carbon copy (CC:) to:

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### Pre Topic:

No specific pre topic given

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### Topic:

Ear piercing of minors; parental consent required

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### Instructions:

See Attached--redraft ASA 1 to 2003 AB 381

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 01/09/2007	jdye 02/05/2007					S&L
/1			jfrantze 02/05/2007		cdurst 02/05/2007	cdurst 06/28/2007	

FE Sent For: "/1" @ intro. 7-11-2007 <END>

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/?	gmalaise	1 2/5 jld	2/5	2/5	2/5		

FE Sent For:

<END>

**Malaise, Gordon**

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**From:** Kennedy, Debora  
**Sent:** Monday, January 08, 2007 2:54 PM  
**To:** Malaise, Gordon  
**Subject:** FW: Re-draft ASA 1 to 2003 AB 381 for 2007  
**Attachments:** AB381-ASA1.pdf

Gordon, I have notified Rep. Vos that I am forwarding this request to you.  
Thanks very much,  
Debora

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**From:** Rep.Vos  
**Sent:** Monday, January 08, 2007 2:02 PM  
**To:** Kennedy, Debora  
**Subject:** Re-draft ASA 1 to 2003 AB 381 for 2007

Debora,

During the 2003-2004 legislative session, you drafted 2003 AB 381 for former Rep. Bonnie Ladwig. This legislation relates to ear piercing of a minor. I would like to request an identical draft of the substitute amendment to 2003 AB 381 as a new bill draft for the 2007 session. I've attached a copy of the sub for your convenience. If you have any questions please feel free to contact me.

Thank you,

Rep. Robin Vos

01/08/2007

2007 Bill  
**ASSEMBLY SUBSTITUTE AMENDMENT 1**  
**TO 2003 ASSEMBLY BILL 381**

~~January 8, 2004 - Offered by COMMITTEE ON FAMILY LAW~~

Regen

- 1 AN ACT *to create* 948.71 of the statutes; **relating to:** requiring informed consent  
2 by a child's parent or guardian for the child's ear piercing and providing a  
3 penalty. ✓

***Analysis by the Legislative Reference Bureau***

Under current law, body piercing, body piercers, and body-piercing establishments are regulated by the Department of Health and Family Services (DHFS). ✓ "Body piercing" is defined as perforating any human body part or human tissue, except an ear, and placing a foreign object in the perforation in order to prevent the perforation from closing. Current DHFS rules prohibit the body piercing of persons under 16 ✓ years; the rules also prohibit the body piercing of persons aged 16 or 17 years unless an informed consent form is signed by the person's parent or legal guardian in the presence of the owner or other person responsible for the operation of the establishment. (b.1) ✓

This ~~substitute amendment~~ prohibits the owner or operator of an ear-piercing establishment from piercing the ear of a child or permitting an employee or contractor of the ear-piercing establishment to pierce the ear of a child, for compensation, unless an informed consent for the piercing is signed by the child's

FE-SL ✓  
parent or legal guardian in the presence of the owner, operator, employee, or contractor who performs the ear piercing. ✓

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Insert 2-1 ✓  
*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1 SECTION 1. 948.71 ✓ of the statutes is created to read:

2 **948.71 Ear piercing of a child; parental consent required.** (1) In this  
3 section: ✓

4 (a) "Compensation" means direct or ✓ indirect payment, including the  
5 expectation of payment whether or not actually received.

6 (b) "Ear piercing" ✓ means perforating the ear of another and placing a foreign  
7 object in the perforation in order to prevent the perforation from closing.

8 (c) "Ear-piercing establishment" ✓ means a business that performs ear piercing.

9 (d) "Indirect payment" ✓ includes payment for the purchase of an earring under  
10 an agreement in which the ear-piercing establishment includes a free ear piercing  
11 with the purchase.

12 (2) No owner or operator of an ear-piercing establishment may pierce the ear  
13 of, attempt to pierce the ear of, or offer to pierce the ear of a child for ✓ compensation  
14 or permit an employee or contractor of the ear-piercing establishment to pierce the  
15 ear of, attempt to pierce the ear of, or offer to pierce the ear of a child for compensation  
16 unless an informed consent form for the child has been signed by the child's parent  
17 or guardian in the presence of the owner, operator, employee, or contractor who  
18 performs the ear piercing. ✓

19 (3) Any owner or operator of an ear-piercing establishment who violates sub.  
20 (2) ✓ is subject to a Class D ✓ forfeiture.

21 (END)

Insert 211

(Use twice)

Section #. 48.57 (3p) (g) 3. of the statutes is amended to read:

1 or 948.71 2

48.57 (3p) (g) 3. The person has been convicted of a violation of ch. 940, 944 or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63 or 948.70, or of a violation of the law of any other state or federal law that would be a violation of ch. 940, 944 or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63 or 948.70, if committed in this state, except that a county department or, in a county having a population of 500,000 or more, the department of health and family services may make payments to a person applying for payments under sub. (3m) and a person receiving payments under sub. (3m) may employ in a position in which the person would have regular contact with the child for whom those payments are being made or permit to be an adult resident a person who has been convicted of a violation of s. 944.30, 944.31 or 944.33 or of a violation of the law of any other state or federal law that would be a violation of s. 944.30, 944.31 or 944.33 if committed in this state, if that violation occurred 20 years or more before the date of the investigation.

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292; 1999 a. 9, 103, 133, 162; 2001 a. 16 ss. 1629, 4036-4038, 4040, 4042, 4043; 2001 a. 38, 59, 69, 109; 2005 a. 25, 232, 293.

Ced A ins 2

**Duerst, Christina**

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**From:** Hale, Janine

**Sent:** Thursday, June 28, 2007 2:08 PM

**To:** LRB.Legal

**Subject:** Draft Review: LRB 07-1434/1 Topic: Ear piercing of minors; parental consent required

Please Jacket LRB 07-1434/1 for the ASSEMBLY.

6/28/2007